

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsections 4.15 and 5.25, and Add Section 5.26, Title 14, CCR  
Re: Salton Sea Sport Fishing Regulations

- I. Date of Initial Statement of Reasons: June 23, 2004
- II. Date of Pre-adoption Statement of Reasons: August 12, 2004
- III. Date of Final Statement of Reasons: August 30, 2004
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: June 24, 2004  
Location: Crescent City
  - (b) Discussion/Adoption Hearing: Date: August 27, 2004  
Location: Morro Bay

V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

The Commission adopted the proposal at its August 27, 2004 meeting.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

**Gary Wyatt, Salton Sea Authority, August 19, 2004, letter.** Expressed support for Department's proposal to reduce bag limits of corvina, sargo and gulf croaker in the Salton Sea. Mr. Wyatt also expressed concern for the ability of the Department to monitor the status of the fish populations in the Salton Sea and return bag limits to current levels when population abundance warrants.

**Department Analysis/Response:** Support for the proposal is acknowledged. The Department values the populations of corvina, sargo and gulf croaker in the Salton Sea as a valuable recreational resource. The restoration of these species to levels that can sustain recreational fisheries is a long-term goal of the Department which will entail frequent monitoring and evaluation. When the Salton Sea abundance of corvina, sargo and gulf croaker increases above current levels, the Department will determine an appropriate harvest level and propose increased bag limits through the normal Commission regulatory-change process.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: No alternatives were identified.
- (b) No Change Alternative: The changes are necessary to safeguard the recovery of Salton Sea sport fisheries.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation is intended to preserve angling opportunities while safeguarding fish populations, and is not expected to impact businesses associated with sport fishing.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

### **Updated Informative Digest/Policy Statement Overview**

Currently sport fisheries in the Salton Sea (Imperial County) include: Gulf croaker (*Bairdiella icistia*), orangemouth corvina (*Cynoscion xanthulus*), and sargo (*Anisotremus davidsoni*). Current sport fishing regulations for the Salton Sea include a daily bag limit of five corvina, with an 18-inch minimum size limit, and no daily bag or size limits for croaker and sargo.

Because of declining populations of corvina, croaker and sargo, the Department is proposing to limit the sport harvest of corvina to two per day, and limit the harvest of croaker and sargo to six of each species per day. Possession limits for all species are proposed to include two daily bag limits. The proposed action is requested to prevent significant sport harvest from jeopardizing current and planned restoration activities for the Salton Sea and its sport fisheries while continuing to provide angling opportunities.

Additionally, to further reduce harvest impacts on immature croaker and sargo populations in the Salton Sea, the Department is proposing to eliminate the use of these species for bait purposes within the Colorado River Fishing District.

A minor change is proposed to be made to subsection (c) of Section 4.15 for clarity.

**The Commission adopted the proposal at its August 27, 2004 meeting.**

Section 4.15, Title 14, CCR, is amended to read:

**4.15. Bait Fish Use in the Colorado River District.**

Except as provided below, live or dead fin fish shall not be used or possessed for use as bait in the Colorado River District:

- (a) Live or dead golden shiner, fathead minnow, red shiner, mosquitofish, longjaw mudsucker, threadfin shad, goldfish, sunfish, molly, ~~sargo and bairdiella~~, and dead carp may be used in all Colorado River District waters.
- (b) Live carp may be used only at the location where taken.
- (c) Tilapia may be used in the Salton Sea, and may be taken for bait only within the area bounded by Highway 111 on the north and east and Highway 86 on the west and south (except as in ~~(4)~~ subsection (d) below).
- (d) Tilapia may be taken and used for bait in the Colorado River and its associated backwaters only within the area bounded by Palo Verde Diversion Dam south to the Morelos Dam.

Note: Authority cited: Sections 200, 202, 205 and 215, Fish and Game Code.  
Reference: Sections 200, 202 and 206, Fish and Game Code.

Section 5.25, Title 14, CCR, is amended to read:

**5.25. Corvina in the Salton Sea.**

- (a) Open Season: All year
- (b) Bag limit: ~~Five~~ Two.
- (c) Possession Limit: Four.
- (d) Minimum size limit: 18 inches total length.

Note: Authority cited: Sections 200, 202, 205, ~~219~~215 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, ~~and 210~~, 215, 2930, 2931 and 2932, Fish and Game Code.

Section 5.26, Title 14, CCR, is added to read:

**5.26. Gulf Croaker and Sargo in the Salton Sea**

- (a) Open season: All year.
- (b) Daily bag limit: Six each species.
- (c) Possession limit: 12 each species.
- (d) Size limit: None.

Note: Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 210, 215, 2930, 2931 and 2932, Fish and Game Code.